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C O N F I D E N T I A L LA PAZ 000186

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TAGS: PGOV PREL PHUM BL OAS

SUBJECT: BOLIVIA: REPERCUSSIONS OF UN DRIP

REF: A. LA PAZ 185

1B. SECSTATE 4241

1C. 07 LA PAZ 3187

Classified By: EcoPol Counselor Mike Hammer, reasons 1.4 b,d

11. (C) On November 7 President Evo Morales signed the UN Declaration on the Rights of Indigenous Peoples into law. The new law contradicts existing land laws, and therefore will be subject to judicial interpretation when it begins to be cited in legal cases. Post has not found any evidence that the new law has been yet cited in legal cases, and it probably will not appear in lawsuits for at least six months.

12. (C) However, the ruling Movement Toward Socialism (MAS) party's draft constitution includes a section on indigenous rights that closely mirrors the UN Declaration text, granting indigenous Bolivians rights to land and renewable resources on that land, rights to a share in the benefits of non-renewable resources, rights to be consulted on any law that "might affect them", rights to self-governance, rights to participation in all levels of government, and prioritized rights to state benefits. If the draft constitution passes, it would take precedent over other Bolivian laws and could therefore carry more weight in judicial interpretation when it contradicts existing land laws.

13. (C) With the new law untested and the draft constitution not yet passed, indigenous leaders are invoking the UN Declaration itself in support of their causes. Domestically, indigenous leaders are beginning to use the UN Declaration as a rallying cry or as justification for actions such as takeovers of small properties (ref B). Although most indigenous leaders seem to view the UN Declaration as a 'feel good' document that will give them more inclusion in the public sector, some leaders are citing the Declaration in support of concrete aims like self-governance and control over land and resources.

14. (C) Post will watch for further developments, particularly with regards to property rights and potential sovereignty or self-rule issues. Highlights of Post's programs that focus on indigenous Bolivians are described in ref A. Post contact for indigenous issues is Beth Mader, madere@state.gov.

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